1952 K **File No.** Sal and Allees 52

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Legal Dept-
C. **BRANCH**

Subject:— Government orders relating to Salary and Allowances.

File No. Sal and Allowances | 52

Gen. 194 e.

161-C

Discharge of Government Sertants
without proper notice.
Payment of pay and allowance
in the event of -

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Circular No. 1581/34.

Bombay Castle, 3rd March 1952.

CIRCULAR OF GOVERNMENT.

Some times cases occur in which it is dicided to pay persons whose services are terminated pay for any prescribed period in lieu of notice to which they are entitled under the rules or the terms of their appointment. With reference to the orders contained in Government Circular, Political and Services Department, No. 1581/34, dated the 20th September 1951 a question has been raised whether the pay to be paid in such cases should be only basic pay or should be inclusive of allowances like dearness allowance, etc. Government is pleased to clarify that in such cases the pay to be paid to the persons concerned in lieu of notice should be inclusive of all allowances like dearness, house rent and compensatory allowances to which they were otherwise entitled.

By order of the Governor of Bombay,

M.D.BHAT,
Chief Secretary to the Government of
Bombay, Political and Services Department.

N.V.D.
27/7
4c.

Clothing) Secretariat ---
Peons)

GOVERNMENT OF BOMBAY,
Political and Services Department,
CIRCULAR MEMORANDUM No. 7783/36.
Bombay Castle, 23rd June 1952.

CIRCULAR MEMORANDUM.

It has been represented to Government that much difficulty is being experienced while granting the Warm Clothing allowance of Rs. 30/- to peons admissible under rule 97 of the Manual of Contingent Expenditure as the terms "cold places" and "Cold season" are not clearly defined. Government has therefore decided that places which have got a minimum temperature of 60 F or less during the period from the 15th October to the end of February may be considered as cold places for the purpose of granting warm clothing allowance.

By order of the Governor of Bombay,

M.D. BHANSALI,
Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Accountant General, Bombay (Through the Finance Department).
The Separate Department,
The Finance Department,

Application of rule 8(2) of the Bombay Civil Services (Revision of Pay) Rules, 1948, to the Class IV servants.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Circular Memorandum No. 6567/33.

Secretariat (Annexe), Fort, Bombay, 22nd October 1952.

Read Government Memorandum, Finance Department, No. 6567/33 /78446-IX, dated 10th August 1951:-

"The undersigned presents compliments to the Accountant General, Bombay, and with reference to his letter, No. T.A./ Pay. III/2457, dated 16th July 1951, is directed to confirm that it is the intention of Government that rule 8(2) of the Bombay Civil Services (Revision of Pay) Rules, 1948, should not be applied to pre-1931 entrants in Class IV service."

Read letter from the Accountant General , Bombay, No. CAG-VI-Bom-2-3/3024, dated 28th November 1951:-

"I have the honour to invite a reference to Finance Department Memorandum, No. 6567/33-78446-IX , dated 10th August 1951, communicating the intention of Government that rule 8(2) of the Bombay Civil Services (Revision of Pay) Rules, 1948, should not be applied to pre-1931 entrants in class IV service.

"2. Procedure adopted before receipt of orders.- Before the receipt of those orders certain heads of offices had fixed the pay of pre-1931 entrants among class IV servants exactly in the same manner in which other than class IV servants were dealt with.

"Rule 8(2) of the Revision of Pay Rules, 1948, was applied. Pay drawn by pre-1931 entrants at pre-31 rates of pay was assumed to be inclusive of the sum of Re. 1 by which all post-1931 scales, not otherwise specified, were reduced (vide Note 2 on page 165 of Revised Rates of Pay Rules, F.P.XI). Wherever the concession authorised in Government Resolution, Finance Department, No. 6567/33, dated 29th May 1948, was admissible, the second higher stage was given.

"This mode of pay fixation adopted by the heads of offices was, after audit check, accepted in the Districts of Poona, Dharwar and Kanara.

"3. Rates of pay allowed in the prescribed scales under procedure explained in paragraph 2 above.- The procedure explained in paragraph 2 above, resulted in the regulation of pay of the affected pre-1931 entrants among class IV servants in the following manner, viz.-

Category (i)-Those in receipt of pay of Rs. 14 and below in pre-1931 scales,
Category (ii)-Those in receipt of pay of Rs. 15,
Category (iii)- Those in receipt fo pay of Rs. 16 and above in pre-1931 rates of pay.

"All servants of category (i) above would have got under 8(1)(b) 13 plus 15 plus 1, i.e., 29 (as maximum) only. They were all given the starting pay of Rs. 31 under Government Resolution, Finance Department, No. 6567/33, dated 29th May 1948 , e.e., the second next higher stage.

"All servants of category (ii) above were given Rs. 31 under Government Resolution, Finance Department, No. 6567/33, dated 29th May 1948, though under Rule 8(2) they would have been entitled to have their pay fixed at Rs. 30 only (Rs. 14 plus 15 and next higher stage, as per clause (b) of Rule 8).

"All sergants of category (iii) were given ((x-1))plus 15 plus 1 for next stage) where x was the actual pre-1931 rate of pay drawn.

"4. Rates of pay that would be admissible under the orders of Government now received.- Under the intention of Government communicated in the letter, dated 10th August 1951, under disposal the fixation of pay of servants falling under category (ii) referred to in paragraph 3 above remains unaffected. Those in categories (i) and (iii) will alter. Those under category (i) have had their pay fixed at Re. 1 more per month and those in category (iii) have had their pay fixed at Re. 1 less than what would be admissible.

"5. As the proposals for fixation of pay in the manner enunciated in paragraph.2 above and the rate of pay allowed as in paragraph 3 above would appear to have been in accordance with an acceptable construction that could be placed on the order then existent, the class IV servants would appear to have had their pay fixed correctly. Some of them have also retired. I would therefore request early orders of Government whether all the cases referred to above may be re-opened and the cases dealt with afresh, overpayments being recovered and underpayments authorised. The decision of Government communicated in Finance Department Memorandum, No. 6567/33-78446-IX, dated 10th August 1951, is being adopted for all ~~xxx~~ cases from the dated of issue of the orders."

Circular Memorandum. Government is pleased to direct that the fixation of pay of pre-1931 Class IV servants should be regulated in accordance with the provisions contained in paragraph 2 of Government Circular Memorandum, Finance Department, No. 6567/33, dated 29th May 1948, or Government Memorandum, Finance Department, No. 6567/33-78446-IX dated 10th August 1951, whichever is more advantageous to them.

Vide F.D.No. 6567/33 dt. 5-2-53 2. As the check of fixation of pay has already been completed by the Test Audit parties in most of the districts, all the heads of offices should re-open the cases of Class-IV servants affected by these orders, refix the pay, prepare the supplementary bills and send the cases to the Accountant General's office for checking the fixation of pay (and for pre-audit of the bills before paying the arrears claims).

By order of the Governor of Bombay,

M. N. HEBLE,
Deputy Secretary to Government.

G. C. M. F. D., No. 6567/33, dated the 22nd October 1952.

N.V.D.
27/7
4c.

(Below copy of Government Memorandum, Finance Department No. 174/14713-XI dated 15th September 1952 together with a copy of the letter No. BK-29-229/52 dated 9th August 1952 from the Director of Excise, and Prohibition regarding grant of dearness allowance).

No. 174/14713-XI. Finance Department,
Secretariat Annexe,

Fort Bombay, 27th October 1952.

Forwarded for information and guidance to-

i) All Departments of the Secretariat

ii) All other heads of Departments under the several departments of the Secretariat and

iii) all heads of offices.

By order of the Governor of Bombay,

sd/-

Assistant Secretary to the Government of Bombay,
Finance Department.

N.V.D.
27/7
4c.

No. 174/14713-XI. Finance Department,
Secretariat Annexe,

Fort, Bombay, 15th September 1952.

Subject: Dearness allowance:
Grant of -

MEMORANDUM:

The undersigned presents compliments to the Director of Excise and Prohibition and with reference to his letter No. BK. 29-229/52 dated 9th May 1952, is directed to state that dearness allowance is admissible during the entire period of leave in cases where the leave at the time of its commencement was not leave preparatory to retirement but was treated as such on production of an invlaid certificate. Accordingly the four persons mentioned in his letter referred to above are entitled to dearness allowance for the period exceeding four months during which they were on leave. The question of waiving of recovery of dearness paid to them for the period in excess of 4 months during which they were on leave does not, therefore, arise.

By order of the Governor of Bombay,

sd/- P.C. REEE.

Under Secretary to the Government of Bombay,
Finance Department.

N.V.D.
27/7
4c.

Letter.

To

The Secretary to Government,

Finance Department, Bombay.

No. B.K. 29/229/52. Bombay, 9th May 1952.

I invite a reference to G.R., F.D. No. 174 dated 21st October 1950 regarding the grant of dearness allowance. According to clause (iii) of this Resolution the grant of dearness allowance is not admissible during the period beyond four months of leave when taken preparatory to retirement. In cases where the leave is not taken preparatory to retirement, this allowance is admissible, but in some cases the absentee takes leave for a period in excess of four months with or without medical certificate and of the leave and draws dearness allowance during the whole period of such leave. In some cases the absentee develops some illness and on medical examination the Civil Surgeon declares him as invalid and incapable for further service, and in such cases he has to retire on invalid pension, and in the absence of a specific provision in the rules for the grant of a dearness allowance, the amount of this allowance paid to him for the period beyond the first four months of his leave is required to be recovered. In fact the amount so recoverable requires to be forgone as is done under the Instruction below Note 5 below rule 736(b) of the B.C.S.R., Volume I page 256 in the case of the leave certificate, when the retirement is compulsorily thrust on the Government servant by reason of ill-health. A similar provision allowing the sanctioning authority ~~circumstances~~ to waive the recovery of the dearness allowance in circumstances as above indicated is necessarily required to be made in the rules. I therefore request

Salary drawn while on leave on average pay on medical

that Government may be pleased to amend the pertinent rule of the grant of dearness allowance accordingly.

2. I have got four cases of the above type mentioned below:-

(1) Shri Syed Amir Syed Umar retired Naik. He was in service from 1923. He was on leave on average pay for four months from 9th June 1950 to 8th October 1950 combined with leave onaverage pay on medical certificate for four months and on half average xpay for 14 days upto 22nd February 1951 after which he was invalided by the Civil Surgeon, Poona. He was paid dearness allowance upto the date of his retirment. The retirement was not premeditated.

(2) Shri M.B. Desai, Prohibition & Excise Inspector, Entered Government service on 21st December 1921, was on leave on average pay for four monthsxkmxx combined with leave on half average pay for 4 months and 6 days on medical certificate. Invalided by the Civil Surgeon, Surat on 5th December 1951; has drawn dearness allowance upto 4th December 1951. Has been granted further leave on half average pay for 3 monthsx as some departmental inquiry is pending against him, as according to the orders issued on G.C. P. & S.D. No. 1581/34 dated 26th November 195x he is required to be continued on leave untile final disposal of the inquiry. His retirement while on leave was not premeditated but is the result of his prolonged illness.

(3) Shri N.B. Patil, Inspector of Prohibition & Excise. Entered Government service on 22nd October 1925, was on leave on average pay for one month and 24 days combined with leave on average pay for 9 months and 8 days and leave without pay for one month and 23 days. Was invalided by the Civil Surgeon, Satara South, Sangli on 12th March 1952. Has drawn dearness allowance upto 19th December 1951. His retirement while on leave was not premeditated but is the result of his prolonged illness.

(4) Shri B.N. Varma, Inspector of Prohibition and Excise Entered government service on 1st July 1923, and proceeded on leave for two months from 7th March 1951 and then extended it on medical certificate upto 6th March 1952, when the Presidency Surgeon, opined that he could return to duty subject to being given light duty, preferable table work. As he could not be given any such work, he was again referred to the Presidency Surgeon, who, on reexamination has declared him permanently incapacitated for further service from 18th April 1952. He has been granted leave on average pay for eight months from 7th March 1951 to 6th November 1951 and on-half average pay from 7th November ~~xxxxx~~ 1951 to 17th April 1952. His retirement was not premeditated.

3. I request that pending the decision of Government to amend the rule, Government may be pleased to waive the recovery of the dearness ~~xx~~ allowance paid to the above four cases for the period beyond the first four months of their leave.

Sd/-

Director of Excise and Prohibition.

N.V.M.
27/7
4c.

Overtime allowance:
Class IV servants in Bombay City office on duty during the Sessions of the Legislature.

GOVERNMENT OF BOMBAY,
Finance Department.
Circular Memorandum No. 3012/33,
Secretariat (Annexe), Fort,
Bombay, 3rd November 1952.

Class IV Government servants in the Secretariat have represented that they should be compensated for overtime duty whenever they are required to attend office from 7 A.M. to 8 P.M. e.g. when there is morning session of the Legislative Assembly or Council. Government has carefully considered the representation and is pleased to direct that Class IV servants who are required to attend early should, as far as possible, be allowed to go home early or be given more time for lunch in the afternoon. If, however, it is found that, on rare occasions, they are required to attend at or before 7.30 A.M. and cannot be given relief in the manner indicated above, Government is pleased to direct that they should be held eligible for overtime allowance of 3 annas for each day for detention after 5 P.M. and of 6 annas for detention after 6 P.M.

2. The Secretariat Departments are requested to take steps to ensure that the concession of overtime allowance is not misused.

By order of the Governor of Bombay,

sd/-

Under Secretary to Government.

XXXX
H.V.D.
27/7
4c.

28/7

28/7